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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

A. P. ,

Petitioner

v.

THE SUPERIOR COURT OF SANTA
BARBARA COUNTY,

Respondent,

SANTA BARBARA COUNTY CHILD
WELFARE SERVICES,

Real Party in Interest.

2d Juv. No. B216139
(Super. Ct. No. J-1285604)
(Santa Barbara County)

Mother, in pro. per., seeks extraordinary writ review of an order of the juvenile court terminating reunification services and setting the matter for a hearing terminating parental rights and establishing adoption as a permanent plan. (Welf. & Inst. Code, § 366.26.)¹ Father is not a party to the writ proceeding. We deny the petition.

¹ All statutory references are to the Welfare and Institutions Code unless otherwise stated.

FACTS

On September 8, 2008, Child Welfare Services (CWS) filed a juvenile dependency petition on behalf of mother's 18-month-old child alleging that the child was at a substantial risk of serious physical harm, and that mother failed to protect and provide support for the child. (§ 300, subds. (a), (b) & (g).) Mother and child lived with maternal grandmother (grandmother), who is mentally ill. On September 4, 2008, the child was treated at a hospital after she ingested grandmother's Xanax and Vicodin, and possibly wine, while mother was in another room. Mother then had pending charges for battery relating to an earlier altercation with grandmother. Prior to September 2008, CWS had received referrals regarding domestic violence and filthy living conditions in the household, as well as mother's substance abuse, her failure to supervise and obtain regular medical care for the child, and her practice of leaving the child home without making arrangements for her care.

At the September 9, 2008 detention hearing, the court advised mother that because the child was under age three, reunification services would not exceed six months. The court ordered that the child be detained for temporary placement.

At the October 9, 2008 jurisdictional hearing, the court ordered that the child be declared a dependent of the court. It further ordered that mother participate in reunification services and comply with her case plan.

In its April 9, 2009 six-month status review report, CWS recommended termination of reunification services for mother and requested that the court set a section 366.26 permanency planning hearing. CWS also reported that on November 12, 2008, mother was arrested on an outstanding warrant and placed in custody, and that she and grandmother were charged with felony child endangerment.

CWS further reported that mother had made minimal progress in meeting her case plan goals. She continued residing in the home from which the child was removed and with grandmother, whom CWS had identified as a threat to the child's safety. Although mother began to participate in a substance abuse program, she failed to attend group sessions and/or pass substance abuse tests on 19 occasions. Mother also failed to provide documentation of her participation in anger management classes or mental health treatment. During several of their visits, mother and child appeared to have minimal interaction, and were sometimes asleep. Several visits were canceled because mother had failed to take or pass substance abuse tests. On January 21, 2009, mother attempted to commit suicide by taking an overdose of medicine. In its April 30, 2009 addendum report, CWS reported that mother had tested positive for alcohol on April 24, 2009.

Mother disputed the CWS recommendation for the termination of services, and the court scheduled a contested hearing for May 14, 2009. During that hearing, mother testified that she missed some group sessions because she suffered from illness, and others, because she had no money for gas or bus passes. She also testified that she had missed some substance abuse tests because she forgot to call or made an honest mistake. She acknowledged her positive drug tests and explained that they resulted from medicine or food that she ingested prior to the tests (Nyquil, Tylenol with codeine, and a poppy seed muffin). Mother believed it was safe for the child to be around grandmother. After hearing mother's testimony, the court adopted the recommendation of CWS, terminated reunification services, and set the matter for a section 366.26 hearing.

Mother filed a writ petition challenging "the decision of CWS with intent to get custody of [her child and to] prove that CWS has made false accusations against [her]." We will treat her petition as a challenge to the juvenile court's orders terminating reunification services and setting the matter for a section 366.26 hearing.

DISCUSSION

CWS argues that the writ is defective and should therefore be denied, but raises no substantive argument. Under California Rules of Court, rule 8.452 (a) and (b), a writ petition must contain a memorandum which provides a summary of significant facts, states each point under a separate heading, and supports each point by argument and citation of legal authority. A writ may be denied when a petitioner does not provide the court with an adequate record, argument and points and authorities. (See *Cresse S. v. Superior Court* (1996) 50 Cal.App.4th 947, 955-956.) We nevertheless consider mother's writ on the merits.

Parents are generally entitled to 12 months of reunification services after the child has been removed from the home. However, if the child is under three years of age at the time of removal, the parents are entitled to only six months of services. (§ 361.5, subd. (a)(1)(B); *In re Jesse W.* (2007) 157 Cal.App.4th 49, 59.) The court may extend reunification services beyond six months only if it finds that there is a "substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period" (§ 361.5, subd. (a)(3).) The court stated that it could not possibly make that finding in this case.

The child was removed from mother's custody on September 9, 2008, at the age of 18 months. On October 9, 2008, the juvenile court ordered six months of reunification services. Mother made minimal progress in meeting her case plan goals. She failed to attend group sessions or pass tests available in the substance abuse program on 19 occasions. During several visits, mother and child had minimal interaction, and some visits were canceled because mother had failed to take or pass substance abuse tests. In addition, mother continued to live with grandmother in the home from which the child was removed after ingesting grandmother's prescription medication. On May 14, 2009, the court terminated reunification after finding that mother's explanation for failing to make progress

was not credible. Mother received reunification services for the requisite six-month period. She is entitled to nothing more. (§ 361.5, subd. (a)(3).)

DISPOSITION

The petition is denied.

COFFEE, J.

We concur:

GILBERT, P.J.

PERREN, J.

James E. Herman, Judge
Superior Court County of Santa Barbara

A. P., in pro. per., for Petitioner.

No appearance for Respondent.

Dennis A. Marshall, County Counsel, Maria Salido Novatt, Senior
Deputy County Counsel, for Real Party in Interest.